

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Reform the Commission's Energy Efficiency Risk/Reward Incentive Mechanism	Rulemaking 12-01-005 (Filed January 12, 2012)
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DECISION GRANTING COMPENSATION TO THE UTILITY REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTION TO DECISION 13-09-023

Claimant: The Utility Reform Network (TURN)	For contribution to D.13-09-023
Claimed (\$): \$66,562.76	Awarded (\$): \$66,344.01 (reduced 0.3%)
Assigned Commissioner: Michael R. Peevey	Assigned ALJ: Thomas R. Pulsifer

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	D.13-09-023: This decision adopted a new Efficiency Savings and Performance Incentive (ESPI) mechanism for energy efficiency activities for the 2013-2014 program cycle and beyond. The ESPI includes four separate performance elements intended to reward utilities for achieving net energy savings, complying with <i>ex ante</i> verification activities, promoting codes and standards and managing non-resource programs.
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B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:		
2. Other Specified Date for NOI:	See Note	Verified
3. Date NOI Filed:	2/21/12	Verified
4. Was the NOI timely filed?		Yes

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Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R.09-01-019	Verified
6. Date of ALJ ruling:	6/24/2009	Verified
7. Based on another CPUC determination (specify):		
8. Has the Claimant demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.09-01-091	Verified
10. Date of ALJ ruling:	6/24/09	Verified
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.13-09-023	Verified
14. Date of Issuance of Final Order or Decision:	09/11/2013	Verified
15. File date of compensation request:	November 12, 2013	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	TURN Comments
2	The OIR held that a party found eligible for compensation in R.09-01-019 remains eligible in this proceeding and need not file an NOI unless an amendment is necessary. (OIR 12-01-005 at 17) TURN filed an NOI amendment in R.12-01-005 on February 21, 2012. TURN previously filed a compensation request in R.12-01-005 on February 26, 2013.
15	The 60-day deadline falls on November 11, 2013, a CPUC Holiday, so TURN files on November 12, 2013 pursuant to Rule 3.2.

PART II: SUBSTANTIAL CONTRIBUTION**A. In the fields below, describe in a concise manner Claimant’s contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059).**

Contribution	Specific References to Claimant’s Presentations and to Decision	Showing Accepted by CPUC
1. D.13-09-023: Use of Multiple Performance Metrics TURN has long argued against using a		

<p>PEB mechanism and for using a management fee model. In response to the Commission's requests, TURN also proposed different performance metrics designed to promote targeting residential EE programs to hot climate zones.</p> <p>The Commission did not adopt TURN's specific performance metric, but the Commission agreed that the mechanism should consist of multiple parts, not based on the PEB and using a management fee for non-resource and C&S programs.</p>	<p>TURN Comments, July 16, 2012, Sec. 3 and 4; TURN Post-Workshop Comments, October 1, 2012 at 6-11; TURN Comments, April 26, 2013, Sec. 2.</p> <p>D.13-09-023 at 17 (summarizing TURN position).</p> <p>D.13-09-023 at 14 ("while we continue to recognize the importance of incentives, we conclude that the PEB shared savings model needs to be replaced with a different methodology.")</p> <p>D.13-09-023 at 19-20 ("Our adopted ESPI mechanism is designed to address various problems encountered in administering incentive mechanisms utilized during previous cycles while still maintaining the core principles of having an incentive mechanisms for EE, as outlined above.")</p> <p>D. 13-09-023 at 35: "our adopted ESPI mechanism differs from the prior approach by placing greater emphasis on capturing deeper, more comprehensive, and longer lasting energy savings. This objective reflects a shift from the previous priority to maximize net economic benefits.")</p>	<p>Yes</p>
<p>2. D.10-12-049: Potential Earnings Cap</p> <p>TURN recommended that the maximum earnings cap be based on a comparison to other states, as well as to other performance incentive mechanisms in California. TURN argued that a proper comparison to other</p>	<p>TURN Comments, July 16, 2012, Sec. 2.2.4; TURN Post-Workshop Comments, October 1, 2012 at 5-6.</p> <p>13-09-023 at 22-23 (discussing</p>	

<p>states indicates sharing rates equivalent to about 7.1% of spending.</p> <p>The Proposed Decision agreed with TURN's analysis and adopted a maximum cap of 9.1% of budget (\$150 million), based in part on a comparison to earnings in other states.</p> <p>The final decision modified this language and adopted a cap of 10.85% (\$178 million) of budget based on several factors and judgment. The Decision rejected requests by the IOUs and NRDC to set the earnings potential at higher levels of \$188 million (NRDC) or \$250 million (PG&E).</p>	<p>TURN position).</p> <p>Proposed Decision, 7/26/13 at 28-29.</p> <p>D.13-09-023 at 20-22.</p> <p>D.13-09-023 at 27 ("Based on target performance goals, and the management fees described below, we conclude that the two-year ESPI incentive earnings potential equal to 10.85% of the EE portfolio budget is appropriate.")</p>	<p>Yes</p>
<p>3. D.13-09-023: Earnings Cap and Supply-side Equivalence</p> <p>TURN had long argued that supply-side equivalence should not be used as the basis for setting potential earnings for energy efficiency.</p> <p>The Commission agreed supply-side investments were fundamentally different from demand side investments and should not be used as the basis for setting the potential earnings cap.</p>	<p>TURN Comments, July 16, 2012, Sec. 2.</p> <p>D.13-09-023 at 22 ("TURN argues that incentive earnings potential should be significantly reduced from prior cycles and not be based on a 'supply-side equivalence' model. TURN argues there is no theoretical or practical basis for basing EE shareholder incentives on avoided supply side investments and estimates of shared energy resource savings.")</p> <p>D.13-09-023 at 29-31 (On balance, however, we conclude that overall incentive earnings potential should be lower compared with the maximum potential originally offered through the RRIM. ...</p> <p>We conclude that basing ESPI earnings potential based on supply-side equivalent resources, at best, would offer limited usefulness.")</p>	<p>Yes</p>
<p>4. D.13-09-023: Use of Lifecycle Net Goals</p>	<p>D.13-09-023 at 38-39 ("TURN supports the use of the target EULs</p>	

<p>TURN supported the use of lifecycle goals to promote long-term savings, and argued that using net goals is appropriate to reward utilities for savings due to their performance.</p> <p>The Commission agreed and rejected attempts to use gross goals or lower EUL or NTG values.</p>	<p>and NTG values presented in the ACR for calculating the incentive formulas. TURN argues that the use of the target EULs and NTG ratio is critical to promoting longer-lived energy savings and shifting to measures that have not been already adopted in the marketplace.”)</p> <p>D.13-09-023 at 36 (“By adjusting goals on a net basis, ratepayers only fund shareholder incentives for EE program efforts that exclude the effects of free riders.”)</p>	<p>Yes</p>
<p>5. D.10-12-049: Use of <i>Ex Post</i> Metrics</p> <p>TURN originally strongly supported use of <i>ex post</i> parameters, though TURN agreed that using <i>ex ante</i> parameters may be practical as long as potential earnings are reduced. TURN argued that shifting to <i>ex ante</i> parameters may not ultimately reduce administrative burdens.</p> <p>The Commission agreed that there are valid policy reasons for rewarding utility performance based on <i>ex post</i> verification of measures with a high degree of uncertainty, and rejected the arguments against using <i>ex post</i> verification. The Commission adopted a two-part process for measuring performance for the resource savings portion of the mechanism.</p>	<p>Various pleadings submitted previously. <i>See</i>, for example, TURN RRIM Proposal, May 22, 2009; TURN Comments, June 12, 2009; TURN Post-Workshop Comments, August 7, 2009, Sec. 2.</p> <p>D.13-09-023 at 46-47 (“TURN originally supported the use of <i>ex post</i> measures as the basis for incentive payments, so that profits would only be paid for actual results.”)</p> <p>D.13-09-023 at 47-50.</p>	<p>Yes</p>
<p>6. D.13-09-023: Cost Effectiveness Multiplier</p> <p>TURN recommended against the proposed cost effectiveness multiplier, and instead suggested a different multiplier based on achieving reducing non-incentive costs.</p> <p>The Commission agreed with TURN and other parties that the cost-effectiveness</p>	<p>D.13-09-023 at 67.</p> <p>D.13-09-023 at 68.</p>	<p>Yes</p>

multiplier was unnecessary. The Commission did not opine on TURN's recommended multiplier.		
<p>7. D.13-09-023: Management Fee for C&S Advocacy</p> <p>TURN strongly supported the use of a management fee for C&S advocacy, rather than incorporating the forecast savings in the resource savings portion of the mechanism.</p> <p>The Commission agreed that a management fee is appropriate for C&S advocacy.</p>	<p>TURN Comments, April 26, 2013, Sec. 2.1.</p> <p>D.13-09-023 at 77.</p> <p>D.13-09-023 at 77-78.</p>	Yes

B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA)¹ a party to the proceeding?	Yes	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Verified
<p>c. If so, provide name of other parties:</p> <p>The primary intervenor with positions similar to TURN's was WEM.</p> <p>TURN and NRDC agreed on several technical issues but had very different positions on many substantive issues in this proceeding.</p>		Verified
<p>d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</p> <p>TURN's compensation in this proceeding should not be reduced for duplication of the showings of other parties. In a proceeding involving multiple participants, it is virtually impossible for TURN to completely avoid some duplication of the work of other parties. In this case, TURN took all reasonable steps to keep such duplication to a minimum, and to ensure that when it did happen, our work served to complement and assist the showings of the other parties.</p> <p>In this proceeding TURN communicated with DRA to prevent unnecessary</p>		Verified

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013), which was approved by the Governor on September 26, 2013.

<p>duplication and to coordinate briefing on certain issues.</p> <p>Any incidental duplication that may have occurred here was more than offset by TURN's unique contribution to the proceeding. Under these circumstances, no reduction to our compensation due to duplication is warranted given the standard adopted by the Commission in D.03-03-031.</p>	
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C. Additional Comments on Part II:

#	TURN Comments
All	<p>Contribution to Decisions in R.09-01-019:</p> <p>The OIR stated that a party may submit a request for compensation for work in R.09-01-019 in this Rulemaking. (OIR 12-01-005 at 17-18)</p>
All	<p>Citations to TURN's positions:</p> <p>Due to the large number of filings in these this docket, and the fact that multiple filings addressed similar issues, TURN does not attempt to provide citations to all of our filings regarding each issue, especially if TURN's position is adequately summarized in the Decision.</p>
All	<p>Partial Contribution:</p> <p>While TURN did not prevail on all issues in each of the decisions in these dockets, TURN suggests that the extent of our substantial contribution on a number of key issues justifies awarding compensation for all of our hours and expenses in these proceedings. For example, while the Commission did use energy savings as a basis for one portion of the mechanism, the Commission also adopted a management fee model for two components of the mechanism.</p> <p>The Commission has interpreted the Section 1802 definition, in conjunction with Section 1801.3, so as to effectuate the legislature's intent to encourage effective and efficient intervenor participation. The statutory provision of "in whole or in part," as interpreted by multiple Commission decisions on intervenor compensation requests, has established as a general proposition that when a party makes a substantial contribution in a multi-issue proceeding, it is entitled to compensation for time and expenses even if it does not prevail on some of the issues. <i>See</i>, for example, D.98-04-028 (awarding TURN full compensation in CTC proceeding, even though TURN did not prevail on all issues); D.98-08-016 at 6, 12 (awarding TURN full compensation in SoCalGas PBR proceeding); D.00-02-008 at 4-7, 10 (awarding TURN full compensation even though we unsuccessfully opposed settlement).</p>
2	<p>Contribution to Proposed Decision:</p> <p>The Commission has repeatedly held that an intervenor's contribution to a final decision may be supported by contributions to a proposed decision, even where the Commission's final decision does not adopt the proposed decision's position on a particular issue. <i>See</i>, for example, D.92-08-030, <i>mimeo.</i> at 4; D.96-08-023, <i>mimeo.</i> at 4; D.96-09-024, <i>mimeo.</i> at 19; D.99-11-006 at 9-10 (citing D.99-04-004 and D.96-08-023); D.01-06-063 at 6-7.</p>

	In this proceeding, the Proposed Decision had adopted TURN's recommendation on the maximum potential earnings cap and associated sharing rate, but the final decision modified those numbers to result in a higher cap.
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§§ 1801 & 1806):

<p>a. Intervenor's Claim of Cost Reasonableness:</p> <p>TURN's participation benefited ratepayers by reducing the amount of money allocated as profits to utility shareholders due to expensed energy efficiency activities. The final cap of \$178 million for two-years' incentives was \$10 to \$70 million less than the cap proposed by NRDC or PG&E.</p> <p>Additionally, TURN's participation indirectly benefitted ratepayers by advancing policies that promote the transparency and integrity of the incentive mechanism, such as the use of a simplified management fee model for C&S advocacy, the use of verified parameters from EM&V studies, and rejecting unnecessary restrictions on Energy Division staff activities.</p>	<p>CPUC Verified</p> <hr/> <p>Verified</p>
<p>b. Reasonableness of Hours Claimed.</p> <p>This Request for Compensation includes nearly 270 hours for TURN's attorneys and consultants covering work that spanned over three years, though was primarily focused in 2012-2013. The number of hours is substantial, and reflects the importance and contentiousness of the issues of shareholder profits for IOU energy efficiency activities, and the fact that the Commission requested multiple rounds of proposals and comments for an incentive mechanism to replace the RRIM adopted for 2006-2008.</p> <p>TURN provides additional details concerning the activities of individual attorneys and expert consultants below.</p> <p><u>TURN Attorney Hours</u></p> <p>TURN attorneys devoted approximately 91 hours in proceedings R.09-01-019 and R.12-01-005 addressing issues related to an incentive mechanism after the 2010-12 RRIM. Attachment 2 details the work performed. The time sheets include approximately 30 hours of work related to applications for rehearing filed in R.09-01-019. TURN does not include those hours in this request.</p>	

The majority of the time was spent by TURN's lead attorney Marcel Hawiger. Mr. Hawiger prepared the substantive pleadings, conducted research concerning incentive mechanisms in other states, participated in settlement meetings, and worked with TURN's consultants to craft TURN's position on alternative incentive mechanism design.

A limited number of hours were also recorded by attorneys Hayley Goodson and Nina Suetake. Ms. Goodson, who is TURN's lead on energy efficiency program design, consulted on issues concerning the impact of incentive mechanisms on program design. Ms. Suetake had taken the lead on incentive issues in 2011-12 and worked jointly with Mr. Hawiger for two months (June-July 2012) to assist in the transition of staff responsibilities.

As shown on the docket card, TURN filed approximately 20 substantive pleadings in R.09-01-019 and approximately 8 substantive pleadings in R.12-01-005 (excluding pleadings such as ex parte notices). Various of these pleadings concerned general incentive mechanism policy issues that related to the 2013-2014 incentive mechanism. Four of the filings in 2012-2013 exclusively addressed the 2013-2014 mechanism.

TURN suggests that the 90 hours of attorney time devoted to these proceedings is entirely reasonable and warrants compensation in full based on the outcomes achieved in D.13-09-023.

TURN Consultant Hours

As detailed in Attachment 3, TURN consultants devoted approximately 175 hours to proceedings R.09-01-019 and R.12-01-005, related exclusively to issues related to a long-term post-2012 incentive mechanism.

TURN retained the services of Energy Economics, Inc. to provide expert witness analysis and support for work related to an incentive mechanism, starting with the issuance of R.09-01-019. The work was conducted by principal Cynthia Mitchell and analyst Gill Court. TURN has used the services of Energy Economics, Inc. as experts concerning energy efficiency programs, incentives and EM&V since approximately 2002.

While there was no opportunity for expert testimony, the Commission requested on at least two different occasions that parties provide detailed proposals on an incentive mechanism for post-2012. Ms. Mitchell and Ms. Court conducted extensive research on energy efficiency incentive mechanisms in other states and analyzed utility performance, primarily during 2010-2012, using the outcomes of various EM&V studies and CPUC evaluation reports. Using these data, Ms. Mitchell and Ms. Court

Verified

developed the details of TURN's proposed incentive mechanism to align incentives with TURN's program goals of promoting deep savings through HVAC and whole house retrofits in hot climate zones. They provided the primary analytical work that resulted in TURN's proposals submitted in pleadings on October 2012 and April 2013.

Ms. Cynthia Mitchell was the primary lead in designing TURN's alternative mechanism, in aligning TURN's policies and analyses concerning energy efficiency programs and EM&V with TURN's positions concerning utility incentives.

Ms. Gill Court conducted the primary analysis of data concerning utility performance for 2010-2012 in order to inform TURN's proposal for 2013-2014. Ms. Court also conducted research on incentive mechanisms in other states. Ms. Court conducted analysis and tables to provide specific numerical data in support of TURN's proposal for a 2013-2014 incentive mechanism.

For these reasons, the Commission should find the number of hours for each firm member reasonable and award compensation for the full amount of requested hours.

Meetings

A small number of hourly entries reflect meetings and phone calls attended by TURN's attorney and consultant, or by more than one TURN attorney or consultant. TURN submits that these hours do not reflect internal duplication. Rather, such participation was essential to TURN's development and implementation of its strategy for this proceeding.

Attendance by multiple staff at internal meetings is necessary to develop a coordinated strategy, especially given that incentive issues relate to issues addressed in other energy efficiency proceedings (program design, funding, EM&V). Internal meetings were also necessary when other attorneys had to cover pleadings or meetings due to work load issues.

Attendance of multiple staff (generally both attorney and expert) at external meetings was vital when the meeting required both legal and expert input. Such meetings generally include multi-party settlement meetings and workshops, such as the August 20, 2012 workshop. Such meetings are an essential part of an intervenor's effective advocacy before the Commission, and as such, intervenor compensation can and should be awarded for the time of all participants where each participant is needed to advance advocacy efforts.

In some cases, TURN has included the hours of only one attorney or

<p>consultant, even where the meeting description includes the participation of more than one TURN representative.</p> <p><u>Travel Time</u></p> <p>TURN does not request any compensation for travel time or meals, even though Ms. Mitchell traveled from Reno to San Francisco for the 8/20/12 workshop. TURN does request compensation for Ms. Mitchell's travel expenses. Since Ms. Mitchell was able to combine the trip with other work at the CPUC, TURN has allocated only 50% of the cost to this proceeding.</p> <p><u>Overlap with Prior Compensation Request</u></p> <p>TURN submitted a prior compensation request in this docket on February 26, 2013, for contributions to previous decisions in R.12-01-005 and R.09-01-019. All of the hours claimed in this request are incremental to that prior request. However, TURN notes that some of the issues that informed positions and analyses related to the ESPI were also addressed in pleadings that were part of work related to the 2010-2012 RRIM. In other words, there are a number of policy issues concerning incentives that cannot easily be segregated based on the issues and topics addressed in D.13-09-023 versus the prior decisions in this docket. TURN does not seek any duplicative hours in this compensation request.</p> <p><u>Compensation Request</u></p> <p>TURN's request also includes about 10 hours devoted to the preparation of this request for compensation. Consistent with Commission direction, TURN bills all of this time at ½ of the customary hourly rate.</p> <p><u>Summary</u></p> <p>TURN submits that the Commission should find the hours requested here to be reasonable under the circumstances, and that TURN's showing supports that conclusion. However, should the Commission believe that more information is needed or that a different approach to discussing the reasonableness of the requested hours is warranted here, TURN requests the opportunity to supplement this section of the request.</p>	
<p>c. Allocation of Hours by Issue</p> <p>The scope of work in R.09-01-019 and R.12-01-005 covered three broad issues – the second interim payment for 2006-2008; the true-up for 2006-2008 incentive payment; the design of an incentive mechanism for 2010-2012. However, these issues were not clearly delineated at the outset of OIR 09-01-019 and 12-01-005. Moreover, with the passage of time, the additional issue of post-2012 incentive mechanism was added. Some of the work on different issues had overlapping subject matter. For example, the issue of risk reduction due to use of <i>ex ante</i> versus <i>ex post</i> parameters was relevant to both the 2006-2008 true-up, as well as to any forward-</p>	<p>Verified</p>

looking incentive mechanism based on a shared savings model. Thus, many pleadings addressed the issue of “parameter verification” (essentially using *ex ante* versus *ex post*) in the context of both the 2006-2008 true-up as well as in the context of future incentive mechanisms.

Since TURN already submitted a compensation request for prior work in R.12-01-005 and R.09-01-019, TURN’s request in this pleading only covers incremental work related to the post-2012 incentive mechanism. TURN thus does not attempt to allocate hours by issue. Some of the attorney hours reflect work related to settlement discussions for a 2013-14 incentive mechanism.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Marcel Hawiger	2012	46.50	\$375	D.13-08-022	\$17,437.50	46.50	\$375.00	\$17,437.50
Marcel Hawiger	2013	33.75	\$400	Res. ALJ-287 (2% increase) + 5% step (requested in A.10-12-005/006)	\$13,500.00	33.75	\$385.00 ²	\$12,993.75
Hayley Goodson	2013	4.00	\$340	D.13-08-022, and Res. ALJ-287 + 5% step (requested in A.11-06-007)	\$1,360.00	1.5 ^[A]	\$325.00 ³	\$1,300.00
Nina Suetake	2012	7.00	\$315	D.13-08-022at 34.	\$2,205.00	7.0	\$315.00 ⁴	\$2,205
Cynthia Mitchell	2012	69.5	\$180	D.11-06-012	\$12,510.00	69.5	\$185.00 ⁵	\$12,857.50
Cynthia Mitchell	2013	17.00	\$200	Requested	\$3,400.00	17.0	\$200.00 ⁶	\$3,400.00
Gil Court	2012	76.25	\$150	D.11-06-012	\$11,437.50	76.25	\$150.00 ⁷	\$11,437.50
Gil Court	2013	15.50	\$150	D.11-06-012	\$2,325.00	15.5	\$150.00	\$2,325.00
				Subtotal:	\$64,175.00			\$63,956.25
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$

² Approved in D. 13-10-037.

³ Approved in D. 14-08-026.

⁴ Approved in D. 13-12-028.

⁵ Approved in D. 13-06-019.

⁶ Application of 2.0% Cost-of-Living Adjustment from Res. ALJ-287 and 5% step adjustment.

⁷ Approved in D. 14-02-037.

PROPOSED DECISION

Marcel Hawiger	2013	9.75	\$187.5	½ of 2012 authorized rate	\$1,828.13		\$187.50	\$1,828.13
	Subtotal:				\$1,828.13		Subtotal:	\$1,828.13
COSTS								
#	Item	Detail			Amount		Amount	
	Travel	Consultant Air Travel Reno to Oakland for 8/20/12 workshop (split between two proceedings)			\$196.57		\$196.57	\$196.57
	Copying	Xerox pleadings for necessary hard copies			\$73.50		\$73.50	\$73.50
	Lodging	Consultant Lodging (split between two proceedings)			\$205.20		\$205.20	\$205.20
	Postage	Postage for mailing pleadings			\$31.32		\$31.32	\$31.32
	Phone	Long distance phone			\$53.04		\$53.04	\$53.04
Subtotal:					\$559.63		Subtotal:	\$559.63
TOTAL REQUEST \$:					\$66,562.76		TOTAL AWARD \$:	\$66,344.01

*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

**Reasonable claim preparation time typically compensated at ½ of preparer's normal hourly rate.

Attorney	Date Admitted to CA BAR⁸	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Marcel Hawiger	1/23/1998	194244	No
Hayley Goodson	12/5/2003	228535	No
Nina Suetake	12/14/2004	234769	No

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
Attachment 1	Certificate of Service
Attachment 2	Daily coded time entries of all attorney hours
Attachment 3	Daily coded time entries of all consultant hours

⁸ This information may be obtained at: <http://www.calbar.ca.gov/>.

Attachment 4	Itemized expenses
Comments 1: Time Keeping	TURN's attorneys and consultants maintained detailed contemporaneous time records indicating the number of hours devoted to work on this case. In preparing this compensation request, Mr. Hawiger reviewed all of the recorded hours devoted to this proceeding and included only those that were reasonable and relevant to the issues addressed in D.13-09-023.
Comment 2: Hourly Rates – Attorneys	<p>All of the hourly rates used in this request have either been previously authorized by the Commission, or have been requested in other proceedings and are based on escalation rates authorized in Resolutions ALJ-281 and ALJ-287.</p> <p>Should the Commission require substantiation of the requested rates for Mr. Hawiger for 2013 or Ms. Goodson for 2013 in this proceeding, TURN requests the opportunity to provide the supporting information which has been previously submitted in compensation requests submitted in A.10-12-005 and A.11-06-007.</p>
Comment 2: Hourly Rates – Expert Witness	<p><u>Rates for Gill Court</u></p> <p>The Commission authorized the 2011 hourly rate for Ms. Court in D.12-02-012. Ms. Court's billing rate has not changed since 2011, so TURN uses the same billing rate in this request for 2012 and 2013.</p> <p><u>Rates for Cynthia Mitchell</u></p> <p>The Commission authorized the 2011 hourly rate for Ms. Mitchell in D.12-02-012. Ms. Mitchell billed at the same hourly rate for 2012.</p> <p>Ms. Mitchell increased her actual billing rate for 2013 to \$200, and TURN requests that the Commission authorize \$200 as the reasonable billing rate for Ms. Mitchell in this proceeding, based on Ms. Mitchell's extensive experience and the criteria adopted by the Commission for setting appropriate market rates for expert witnesses.</p> <p>Ms. Mitchell's prior 2011 billing rate of \$180 was based on her extensive experience as an expert in utility demand-side management activities. Ms. Mitchell has worked for over 35 years in the energy and utility industry. She has held positions in government and consulting. Ms. Mitchell was the energy specialist for Utah Community Action Association on utility rate issues for seniors and low income, and the chief economist for the Nevada Attorney General's Bureau of Consumer Protection. As a consultant Ms. Mitchell has served as the expert witness to state public utility commissions and consumer advocate offices in twelve states and the District of Columbia. Ms. Mitchell's experience includes analysis on traditional utility rate making and regulatory matters with emphasis on cost allocation and rate design; integrated resource planning (IRP), and demand-side management activities. She has consulted for NASUCA and the DOE on</p>

PROPOSED DECISION

	<p>integrated resource planning practices.</p> <p>It is reasonable to authorize a rate of \$200 for Ms. Mitchell services for 2013. Ms. Mitchell has not increased her billing rate of \$180 since 2009. If her rate were simply escalated based on the COLA adjustments for 2012 and 2013 authorized in Resolutions ALJ-281 and ALJ-287, her 2013 rate should be \$187 ($180 \times 1.022 \times 1.02$), which results in a rate of \$190 when rounded up. TURN also requests that the Commission authorize a 5% step increase for Ms. Mitchell, as allowed under both Resolution ALJ-281 and 287, which would then result in an hourly rate of \$199.50 ($190 \times 1.05$), or \$200 when rounded. TURN has not requested a 5% step increase previously for Ms. Mitchell. The same rate would result if TURN had requested a 5% step in 2012 ($180 \times 1.022 \times 1.05 \times 1.02 = 197$).</p> <p>Ms. Mitchell has consistently maintained her billing rate for non-profits such as TURN near the lowest endpoint of the range of rates for experts with over 13 years of experience. For example, Table 1 of Res. ALJ-281 shows that the lowest billing rate for an expert with 13+ years of experience is \$155, while the highest rates are at about \$390. Based on her experience of more than 30 years, Ms. Mitchell's billing rate should be closer to the upper end of the range; however, Ms. Mitchell has consistently maintained her rates at an affordable level. The Commission should, however, recognize that Ms. Mitchell's services justify a rate of \$200 based on the factors considered in setting expert hourly rates.</p>
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D. CPUC Disallowances and Adjustments:

#	Reason
A	TURN's documentation only provided documentation of 2.5 hours of work performed by Goodson, and only 1.5 hours in 2013. We therefore reduce Goodson's hours to 1.5 for 2013.

PART IV: OPPOSITIONS AND COMMENTS

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived?	Yes

FINDINGS OF FACT

1. The Utility Reform Network has made a substantial contribution to Decision (D.) 13-09-023.

2. The requested hourly rates for The Utility Reform Network's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$66,344.01.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code §§ 1801-1812.

ORDER

1. The Utility Reform Network is awarded \$66,344.01
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas and Electric Company, Southern California Edison Company, and Southern California Gas Company shall pay The Utility Reform Network their respective shares of the award, based on their California-jurisdictional gas and electric revenues for the 2012 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include interest at the rate earned on prime, three-month, non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning January 26, 2014, the 75th day after the filing of The Utility Reform Network's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1309023		
Proceeding(s):	R1201005		
Author:	ALJ Pulsifer		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas and Electric Company, Southern California Edison Company, and Southern California Gas Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
The Utility Reform Network	09/12/13	\$66,562.76	\$66,344.01	N/A	N/A

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Marcel	Hawiger	Attorney	The Utility Reform Network	\$375.00	2012	\$375.00
Marcel	Hawiger	Attorney	The Utility Reform Network	\$400.00	2013	\$385.00
Hayley	Goodson	Attorney	The Utility Reform Network	\$340.00	2013	\$325.00
Nina	Suetake	Attorney	The Utility Reform Network	\$315.00	2012	\$315.00
Cynthia	Mitchell	Expert	The Utility Reform Network	\$180.00	2012	\$185.00
Cynthia	Mitchell	Expert	The Utility Reform Network	\$200.00	2013	\$200.00
Gil	Court	Expert	The Utility Reform Network	\$150.00	2012	\$150.00
Gil	Court	Expert	The Utility Reform Network	\$150.00	2013	\$150.00

(END OF APPENDIX)